

EXHIBIT 7



User Name: jess.kurtz@lw.com

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1. [Arista Records LLC v. Myxer Inc., 2009 U.S. Dist. LEXIS 132668](#)

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Search Terms: Arista Records LLC v. Myxer Inc., 2009 U.S. Dist. LEXIS 132668

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Arista Records LLC v. Myxer Inc.

United States District Court for the Central District of California

November 30, 2009, Decided; November 30, 2009, Filed

CV 08-3935 GAF(JCx)

Reporter

2009 U.S. Dist. LEXIS 132668 *

Arista Records LLC, et al. v. Myxer Inc., et al.

Subsequent History: Injunction granted at, Motion to strike denied by [Arista Records, LLC v. Myxer, Inc., 2010 U.S. Dist. LEXIS 90633 \(C.D. Cal. Aug. 31, 2010\)](#)

Core Terms

sound recording, plaintiffs', discovery, ownership, alleged ownership, Proceedings

Counsel: [*1] Attorneys Present for Plaintiff: none present.

Attorneys Present for Defendants: none present.

Judges: Jacqueline Chooljian, United States Magistrate Judge.

Opinion by: Jacqueline Chooljian

Opinion

CIVIL MINUTES - GENERAL

Proceedings: (IN CHAMBERS) ORDER GRANTING DEFENDANT'S REQUEST FOR FURTHER DISCOVERY RELATIVE TO OWNERSHIP OF SOUND RECORDINGS IN ISSUE

Pending before this court is the parties' dispute regarding defendant's alleged entitlement to further discovery regarding the remaining plaintiffs' alleged ownership of the sound recordings in issue, *i.e.*, those reflected on Schedule A of the First Amended Complaint as being owned by the remaining plaintiffs (the "sound recordings in issue"). The court has considered the parties' extensive briefing and argument on

this issue.¹ Although the court recognizes that its instant order will impose a burden upon plaintiffs, particularly at this juncture of the proceedings, it is compelled to conclude that defendant is nonetheless entitled to additional discovery relative to plaintiffs' alleged ownership of the sound recordings in issue as the discovery produced to date is insufficient to enable defendant to test plaintiffs' assertion of ownership, defendant is exposed to [*2] up to \$150,000 in statutory damages per sound recording in issue, and as otherwise, the presumption of ownership which arises from the copyright registrations would effectively be irrebuttable.

¹ Defendant initially raised the issue in a motion to compel which the court granted in part on June 10, 2009, after considering the parties' extensive submissions relative thereto. (Docket Nos. 82-92, 94, 102). More specifically, in an initial effort to narrow the parties' dispute, the court directed plaintiffs to prepare and produce a chart with supporting declarations, setting forth the method by which plaintiffs own/acquired ownership of the sound recordings reflected on Schedule A to the then operative original complaint. Upon receipt and analysis of the charts and declarations produced in response to the June 10, 2009 order, defendant later argued that such items were deficient and insufficient to enable defendant to test plaintiffs' ownership claims. The latter argument was initially raised in Defendant Myxer Inc.'s Memorandum Re Issues to Be Addressed at September 11, 2009 Discovery Hearing and supporting documents, which plaintiffs opposed in Plaintiffs' Response to Defendant Myxer Inc.'s [*3] Memorandum Re Issues to Be Addressed at September 11, 2009 Hearing and supporting documents. (Docket Nos. 215, 222, 223). In Defendant Myxer Inc.'s Memorandum Re Issues to Be Addressed at September 25, 2009 Discovery Hearing and supporting documents, defendant next sought to compel plaintiffs to produce updated charts and declarations encompassing the new sound recordings reflected on Schedule A to the First Amended Complaint — a request which plaintiffs opposed in their Response to Defendant Myxer Inc.'s Memorandum Re Issues to Be Addressed at September 25, 2009 Discovery Hearing and supporting documents. (Docket Nos. 231, 241, 256). Most recently, defendant again raised the issue in Defendant Myxer Inc.'s Memorandum Re Issues to Be Addressed at October 30, 2009 Discovery Hearing and supporting documents, which plaintiffs opposed in Plaintiffs' Response to Defendant Myxer Inc.'s Memorandum Re Issues to Be Addressed at October 30, 2009 Discovery Hearing. (Docket Nos. 338, 344, 348).

IT IS THEREFORE ORDERED that plaintiffs shall produce within twenty (20) days:

1. Chain of title documents in plaintiffs' possession, custody or control, directly bearing on the remaining plaintiffs' ownership [*4] of the sound recordings identified on Schedule A of the First Amended Complaint, including work-for-hire agreements and assignment agreements.²

IT IS SO ORDERED.

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²In the event plaintiffs do not intend to pursue their infringement claims as to one or more of the sound recordings in issue and file a notice so indicating by the deadline specified above, plaintiffs need not produce chain of title documents relative to such sound recordings.